IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.4044 of 2005.
IN
FIRST APPEAL NO.1737 OF 2005.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri R.A.Thorat for the Applicant.

Shri J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 20th April, 2006.

P.C.:

1. Rule. The Respondent waives service.

2. The First Appeal has been admitted for final hearing and therefore, the suit structure cannot be permitted to be demolished on the basis of the impugned notice and the impugned order.

3. Hence Civil Application is disposed of by passing following order:

. "Rule is made absolute in terms of prayer clause (a) subject to condition that the Applicant will file in this Court within a period of three weeks from today an undertaking in writing that he

will not create any third party rights in respect of the suit premises, will not part with possession of the suit premises and he will not carry out any additions and alterations in the suit premises without permission of the Respondent-Corporation. If undertaking is not filed within the stipulated time, the interim relief granted will stand automatically vacated without further reference to the Court."

Judge.